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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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|---------------------------|--|
| Proceeding | 91227092 |
| Party | Defendant YOTA DEVICES IPR LTD |
| Correspondence Address | ALEXANDER LAZOUSKI LAZOUSKI IP LLC 14726 BOWFIN TERRACE SUITE 1 LAKEWOOD RANCH, FL 34202 info@lzlawoffice.com;al@lzlawoffice.com |
| Submission | Answer |
| Filer's Name | Sang Ho Lee |
| Filer's e-mail | docket@nkllaw.com, slee@nkllaw.com, hnovick@nkllaw.com |
| Signature | /Sang Ho Lee/ |
| Date | 05/04/2016 |
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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|---------------------------|---|---|
| LENOVO (BEIJING) LIMITED, |) | |
| |) | |
| Opposer, |) | |
| |) | Opposition No. 91227092 |
| v. |) | |
| |) | Serial No. 86/328,917 |
| YOTA DEVICES IPR LTD, |) | International Classes 9, 16, 38, 41, and 42 |
| |) | |
| Applicant |) | Mark: YOTA |
| |) | |
| |) | |
| |) | |
| |) | |
| |) | |
| |) | |

ANSWER AND AFFIRMATIVE DEFENSES

YOTA DEVICES IPR LTD (hereinafter referred to as “Applicant”) is a private company limited by shares having its principal place of business at BR. VIRGIN ISLANDS PMB 257 MDE’s Building, 1st Floor, P.O. Box 3169 Road Town, Tortola BR. VIRGIN ISLANDS VG1110 and requests that the Board dismiss the Opposition with prejudice against Applicant’s Trademark Serial No. 86/328,917 for the mark YOTA. The Notice of Opposition was filed before the Trademark Trial and Appeal Board (hereinafter referred to as the Board”) on March 28, 2016. Inasmuch as the notice of opposition sets that Applicant’s answer is due forty (40) days from the mailing date of the order, which is set on May 7, 2016, this answer is timely filed.

With respect to the numbered paragraphs of the notice of Opposition, Applicant answers and pleads using corresponding paragraph numbers as follows:

1. With respect to the averments in Paragraph 1 of the Notice of Opposition, Applicant is without information or knowledge sufficient to form a belief as to the truth of the averments contained in Paragraph 1 of the Notice of Opposition, and therefore denies each and every averment contained therein.
2. With respect to the averments in Paragraph 2 of the Notice of Opposition, Applicant is without information or knowledge sufficient to form a belief as to the truth of the averments contained in Paragraph 2 of Notice of Opposition, and therefore denies each and every averment contained therein.
3. With respect to the averments in Paragraph 3 of the Notice of Opposition, Applicant is without information or knowledge sufficient to form a belief as to the truth of the averments contained in Paragraph 3 of Notice of Opposition, and on that basis denies each and every averment contained therein.
4. With respect to the averments in Paragraph 4 of the Notice of Opposition, Applicant only admits that the TESS records of the United States Patent and Trademark Office include a record for registration number 4,822,390, lists as the registrant Lenovo (Beijing) Limited Corporation, and identifies the goods as:

Portable computers and tablet computers; computer peripherals; computer software, namely operating system software and application system software for use in controlling the operation and execution of programs and network functions on a computer.

Applicant is without information or knowledge sufficient to form a belief as to the truth of all of the other averments contained in Paragraph 4 of Notice of Opposition, and on that basis denies each and every averment contained therein.

5. With respect to the averments in Paragraph 5 of the Notice of Opposition, Applicant admits the allegations thereof.
6. With respect to the averments in Paragraph 6 of the Notice of Opposition, Applicant is without information or knowledge sufficient to form a belief as to the truth of the averments contained in Paragraph 6 of Notice of Opposition, and on that basis denies each and every averment contained therein.
7. With respect to the averments in Paragraph 7 of the Notice of Opposition, Applicant admits the allegations thereof.
8. With respect to the averments in Paragraph 8 of the Notice of Opposition, Applicant admits only that it filed an Application Serial Number 86328917 in the United States Patent and Trademark Office on July 4, 2014 and that the goods and services are listed in the application.
9. With respect to the averments in Paragraph 9 of the Notice of Opposition, Applicant admits only that it filed Application Serial Number 86328917 based on

an intent to use Applicant's Mark in commerce in connection with all of Applicant's Goods and Services in the future.

10. With respect to the averments in Paragraph 10 of the Notice of Opposition, Applicant is without information or knowledge sufficient to form a belief as to the truth of the averments contained in Paragraph 10 of the Notice of Opposition, and on that basis denies each and every averment contained therein.

11. With respect to the averments in Paragraph 11 of the Notice of Opposition, Applicant admits only that it does not presently use Applicant's Mark on the goods and in connection with the services listed in the current application. Applicant denies each and every other of the averments contained in Paragraph 11 of the Notice of Opposition.

12. With respect to the averments in Paragraph 12 of the Notice of Opposition, Applicant admits only that its mark and the asserted mark of Opposer contain four letters. Applicant denies each and every other averment contained in Paragraph 12 of the Notice of Opposition.

13. With respect to the averments in Paragraph 13 of the Notice of Opposition, Applicant admits only it seeks to register its mark on its goods and in connection with its services as listed in its current application, Application Serial Number 86328917. Applicant is without information or knowledge sufficient to form a

belief as to the truth of the other averments contained in Paragraph 13 of the Notice of Opposition, and on that basis denies each and every other averment contained therein.

Count I

(Allegation of Likelihood of Confusion)

14. Applicant realleges and incorporates herein by reference the matters pleaded in Paragraphs 1 through 13.

15. Denied.

Count II

(Allegation of Lack of Bona Fide Intent to Use)

16. Applicant realleges and incorporates herein by reference the matters pleaded in Paragraphs 1 through 13.

17. Admitted.

18. Denied.

REQUEST FOR RELIEF

19. With respect to Opposer's Request for Relief, Applicant denies that Opposer would be damaged by the registration of Applicant's Mark in Classes 9, 16, 38, 41 and 42, denies that Opposer is entitled to having this Opposition sustained,

and denies that Opposer is entitled to having the registration of Applicant's Mark denied.

20. Applicant respectfully requests that this Opposition be dismissed with prejudice.

AFFIRMATIVE DEFENSES

Applicant, as affirmative defenses to the Notice of Opposition, pleads further as follows:

1. Applicant affirmatively alleges that there is no likelihood of confusion, mistake or deception because, *inter alia*, Applicant's mark and the pleaded marks of Opposer are not confusingly similar.
2. Applicant affirmatively alleges that the goods of Class 16, and the services of Classes 38, 41, and 42 are not related to Opposer's goods listed in Class 9 of Opposer's registration.

Respectfully submitted,

NOVICK, KIM & LEE, PLLC

Dated: April 28, 2016

By: /Harold L. Novick/
Harold L. Novick

By: /Sang Ho Lee/
Sang Ho Lee

1604 Spring Hill Rd.
Suite 320
Vienna, Virginia 22182
Telephone: (703) 546-8554
Facsimile: (703) 563-9748
hnovick@nklaw.com
slee@nklaw.com
Attorneys for Applicant

CERTIFICATE OF SERVICE

I, Sang Ho Lee, hereby certify that a true and complete copy of the foregoing Answer and Affirmative Defenses has been served on the Attorney for Opposer by mailing said copy on this April 28, 2016, via First Class mail, postage prepaid to:

Kristin J. Achterhof
Jeffrey A. Wakolbinger
Katten Muchin Rosenman LLP
525 West Monroe Street
Chicago, Illinois 60661
(312) 902-5200

By: /Sang Ho Lee/
Sang Ho Lee